

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

DECLARATION OF WILLIAM NAGLE

I, William Nagle, on oath, depose and state as follows:

1. I am the Second Shift Warehouse Supervisor at United Liquors Ltd. ("UL"). I have worked for UL since 1986 and have held the position of Second Shift Warehouse Supervisor for the past four years. I am a resident of Norton, Massachusetts.

2. Through my position as Second Shift Warehouse Supervisor, I became familiar with Plaintiff, Bienvenido Lugo Marchant, during the time he worked in UL's warehouse.

3. In March 2003, while working a Friday night shift, Plaintiff told me that he needed to leave at midnight. However, Plaintiff did not explain why he needed to leave early. I told Plaintiff that warehouse employees generally stay until the job is complete. However, I also told Plaintiff to do what he felt was necessary and he left. Subsequently, Plaintiff told me again that he had to leave at midnight. I allowed Plaintiff to leave the shift early even though he did not tell me why he was leaving.

4. I learned subsequently that Plaintiff wanted to leave at midnight due to his religious beliefs. I asked Plaintiff why he had not previously told me the reason for his desire to leave at midnight. Plaintiff stated that he thought I knew. I informed Plaintiff that I did not

previously know about his religious beliefs and I then again allowed Plaintiff to leave at midnight.

Signed under the pains and penalties of perjury this 7th day of February, 2007

/s/ William Nagle
William Nagle

CERTIFICATE OF SERVICE

This is to certify that on this 7th day of February, 2007, I caused a copy of the foregoing to be served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler
Jackson Lewis LLP